

REMARKS

Claim 4 is amended to more clearly define the claimed invention.

Claim 5 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Reconsideration and removal of this rejection is respectfully requested.

It is believed that the claim of concern in paragraphs 1, 2, and 3 of the Office Action is Claim 6, as Claim 5 does not contain the phrase "the ring-shaped lid member".

It appears as though the word "lid" was inadvertently removed from Claim 4 when amending Claim 4 in the previous Office Action. The present amendment to Claim 4 corrects the language of the claim. In view of the amendment of Claim 4, removal of the rejection under 35 USC §112 is respectfully requested.

The present invention is a device for forming a vessel body. The device has an open top negative mold and a ring-shaped lid member for the negative mold which has an inside diameter which is smaller than an open top diameter of the negative mold. A cylindrically shaped rotary trowel is mechanically fixed to move against an inner surface of the negative mold within a predetermined range, and the trowel is at least longer than a

height of an inner wall surface of the vessel body to be formed.

The rotary trowel is driven by a rotary trowel drive.

Claim 4 is rejected under 35 USC §102(b) as being anticipated by Baird (U.S. Patent No. 2,218,804). Reconsideration and removal of this rejection is respectfully requested.

It is alleged in the Office Action that Baird teaches a plastic forming apparatus comprising an open-top negative mold (1), a ring-shaped lid member (39) with the inside diameter smaller than the top diameter of the negative mold, a cylindrical rotary trowel (12) which is mechanically fixed to move against an inner surface of the negative mold and is longer than the height of an inner wall surface of the vessel body to be formed (2), and a trowel drive.

In paragraph 10 of the Office Action, it is recited that trowel (12) includes a cylindrical body (13), and even though the cylindrical body (13) has a tapered portion (17) corresponding to the shape of the mold, the trowel 12, as a whole, does have a cylindrical shape. Also, in paragraph 10 of the Office Action it is recited that because trimmer ring (39) and wear ring (8) of Baird are for forming the upper portion of the product, these rings are parts of the mold.

The Applicants respectfully disagree with the Examiner's interpretation of the device of Baird. It appears to the Applicants that the device of Baird, best viewed in Fig. 2, has

09/557,176

two basic components, 1) a stationary mold (1) made up of all of its components, and 2) a rotary trowel (12) made up of all of its components.

The stationary mold includes: "mold" (1), and "wear ring" (8) having an "upper face" (9).

The rotary trowel includes": "spinner" (12), "trimmer ring" (39) which is threaded on to the spinner, and "trimmer pins" (43) which project downward from the trimmer ring.

During operation of the device of Baird all of the components of the mold are stationary, and all of the components of the rotary trowel rotate about a central longitudinal axis.

It is respectfully submitted that in the context of the present application the rotary trowel of Baird is not cylindrical, but rather has a shape defined by an inside surface of the trimmer pins (43), a portion of the bottom surface of the trimmer ring (39) and the outer surface conical shape of the spinner (12) as all of those components rotate with the alleged "rotary trowel". Therefore, in order to better define the rotary trowel of the present invention and more clearly distinguish it over Baird, Claim 4 is amended to define a working surface of the rotary trowel as being cylindrically shaped.

Regarding the claimed "ring-shaped lid member of the negative mold", in the context of the present application, the ring-shaped

lid member component is stationary in relation to the negative mold (1), as described in the present specification and drawings. It is respectfully submitted that trimmer ring (39) of Baird cannot properly be said to correspond to the present ring-shaped lid member, as trimmer ring (39) is engaged by threads with spinner (12) and thus rotates in relation to the alleged stationary mold and should be considered to be part of the rotary trowel.

In view of the amendment to Claim 4, and the above remarks, removal of the rejection under 35 USC §102 (b) is respectfully requested.

Claims 5-6 and 8 are rejected under 35 USC §103(a) as being unpatentable over Baird in view of Ritter (U.S. Patent No. 2,293,172). Reconsideration and removal of this rejection is respectfully requested.

Baird is discussed above. It is alleged in the Office Action that Ritter discloses an apparatus for forming flowerpots, comprising a split negative mold (47), a ring-like lid member (45), a cylindrical rotary trowel (57) which is mechanically fixed to move against an inner surface of the mold and is longer than the height of an inner surface of the pot body, a trowel drive, a shave stand (44) for fitting the mold, and that the lid member (45) is integrally fixed to the shave stand and the split mold halves by screws (48).

It is respectfully submitted that in Ritter, a mold which would correspond to the "open top negative mold" for forming a vessel body, as defined in the present claimed invention, should include mold sections (47, 47), outer housing (44), and mold head (54) as all of those components are needed to form a complete "open top negative mold" for forming a complete vessel body. In view of the above analysis, a ring-shaped lid member with an inside diameter smaller than an open top diameter of the negative mold, is not found even if "annular flange" (45) is considered to correspond to the claimed ring-like lid member, as it does not have an inside diameter which is smaller than an open top diameter of the negative mold, as defined in Claim 4.

Also, it is respectfully submitted that 1) if "outer housing of the mold" (44) is part of the negative mold, it cannot correspond to a "shave stand" for fitting the negative mold, as defined in Claim 8; and 2) that a rotary trowel (57) is not of a cylindrical shape as it clearly has a truncated conical shape.

In view of the amendment of Claim 4, and the above remarks, removal of the rejection under 35 USC §103 is respectfully requested.

Claims 7-10 are rejected under 35 USC §103(a) as being unpatentable over Baird as applied to Claim 4, and further in view of Ryckman (U.S. Patent No. 4,286,938). Reconsideration and removal of this rejection is respectfully requested.

Baird is discussed above. Ryckman is relied upon for describing a negative mold rotated about a central axis of the negative mold. It is respectfully submitted that Ryckman does not provide the deficiencies in disclosure discussed above in the rejection of Claims 4 in view of Baird.

In view of the above remarks and the dependency of claims 7-10 on Claim 4, removal of the rejection under 35 USC §103(a) is respectfully requested.

Claims 7-8 are rejected under 35 USC §103(a) as being unpatentable over Baird as applied to Claim 4 and further in view of Andersen et al. (U.S. Patent No. 5,658,603). Reconsideration and removal of this rejection is respectfully requested.

Baird is discussed above. Andersen et al. is relied on for describing a negative mold that is fixed on a shave stand and rotation of the negative mold about a central axis of the negative mold. It is respectfully submitted that Andersen et al. does not provide the deficiencies in disclosure discussed above in the rejection of Claim 4 in view of Baird.

09/557,176

In view of the above remarks and the dependency of Claims 7 and 8 on Claim 4, removal of the rejection under 35 USC 103(a) is respectfully requested.

It is believed that Claims 4-10 are now in condition for allowance. Allowance of Claims 4-10 is respectfully requested.

Attached hereto is a marked-up version of the changes made to Claim 4 by the present amendment. The attached page is captioned "**A Version with Markings to Show Changes Made.**"

If there are any issues of a minor nature remaining, the Examiner is urged to contact Applicants' attorney, the undersigned, at Area Code (202) 659-2930.

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William G. Kratz, Jr.
Reg. No. 22,631

Atty. Docket No. 000549
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
Tel: (202) 659-2930
Fax: (202) 887-0357

RECEIVED

MAR 06 2003

TC 1700

A Version with Markings to Show Changes Made

In the Claims:

Claim 4 is amended as follows:

4. (Twice Amended) A device for forming a vessel body which comprises an open top negative mold, a ring-shaped lid member for the negative mold with an inside diameter which is smaller than an open top diameter of the negative mold, a [cylindrical] rotary trowel, having cylindrically shaped working surfaces, which is mechanically fixed to move against an inner surface of the negative mold within a predetermined range and is at least longer than a height of an inner wall surface of the vessel body to be formed, and a rotary trowel drive.